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**Scituate Zoning Board of Appeals  
Meeting Minutes  
March 15, 2018**

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The Scituate Zoning Board of Appeals held a public hearing on March 15, 2018 at the Scituate Town Hall located at 600 Chief Justice Cushing Highway, Scituate. The meeting was called to order at 7:00 P.M.

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**Present:** John Hallin, Chairman, Sara Trezise, Ed Tibbetts and Tom Cavanagh.

**Also Present:** Bob Vogel, Building Commissioner and ZEO.

**First Application:** Jason and Kristin Swan of 31 Common Street, Scituate, MA request a Special Permit/Finding in accordance with M.G.L. Chapter 40A, Section 6 and/or Section 810.2 of the Scituate Zoning Bylaw to allow the razing and reconstruction of the single family dwelling on a preexisting nonconforming lot at **31 Common Street (Assessor's Map 49, Block 1, Parcel 11)**.

Representing the Applicant: Gregory Morse of Morse Engineering.

Mr. Morse reviewed the application and submitted site plan with the Board for the property located in the R2 residential zone. The property is nonconforming with respect to lot frontage (99.49' where 100' are required). The existing structure, built in 1930, has 1,145 sq. ft. and is within the Water Resource Protection District. The proposed plan shows the reconstructed dwelling relocated outside the delineation of the Water Resource Protection District with an increase in the gross floor area of 119% (2,511 sq. ft.). Wetlands located in the rear of the property were shown on the site plan. A tributary within the wetlands exists, though not noted on the submitted site plan.

Ms. Trezise requested The Applicant submit a revised site plan which reflects the tributary on the property. Mr. Hallin suggested said request be stated as a condition of the Special Permit. The Applicant assented to said request.

There were no further questions from the Board or public comments.

**Mr. Tibbetts moved on the application for a Special Permit at 31 Common Street, Scituate that the Board find the existing property is nonconforming with respect to lot frontage on Common Street; further the Board find that the proposed reconstruction of the structure as shown on the plan by Morse Engineering dated 1/25/18 will not increase the existing nonconformity, and that in all other respects the structure will conform with current zoning bylaws; move further to find that the proposed reconstruction is not more substantially detrimental to the neighborhood that the existing structure and that in all**

**other respects it conforms to section 950.3 of the Scituate Zoning Bylaw and that a Special Permit be granted. Motion seconded by Ms. Trezise. All in favor, unanimous.**

**Second Application: Scott A. Herzog, II of 297 Lincoln Street, Norwell, MA request a Special Permit/Finding pursuant to Section 810.2A of the Scituate Zoning Bylaw and/or M.G.L. Chapter 40A, Section 6 to construct an addition to the existing single family dwelling on a nonconforming lot which will increase the gross floor area by more than 20%. The property is located at 41 Beaver Dam Road, Scituate, MA (Assessor's Map 51, Block 1, Parcel 13). Representing the Applicant: Paul Mirabito, Registered Engineer at Ross Engineering.**

Mr. Cavanagh recused himself stating his prior business relationship with the Applicant.

Mr. Mirabito described the application and submitted site plan stating the existing dwelling, located in the R3 zone, has 1,400 sq. ft. The plan shows the existing addition in the rear of the structure is proposed to be razed with the proposed addition of 1664 sq. ft. reconstructed in the same location for a total gross floor area of 3,257 sq. ft. (an increase of 133%). The property is nonconforming with respect to lot frontage and front yard setback. The proposed addition will conform to all other zoning requirements.

The Board discussed the common driveway shown on the plan and confirmed all parking for the subject property would be located in the rear of the structure accessed via the existing gravel driveway, further that the existing garage, used as storage shed, would remain in place.

The meeting was opened for public comment.

Valerie Sweeney of 45 Beaver Dam Road inquired about the existing dilapidated fence and if the Applicant intended to address it.

Mr. Mirabito stated he would discuss the matter with his client, and pass the request for necessary repairs/replacement.

Ed Anthony of 37 Beaver Dam Road asked if the Applicant would be using the shared driveway.

Mr. Hallin explained the Applicant's car would not block the lane and would be parked on the property.

There were no further comments from the public or the Board.

**Mr. Tibbetts moved that the Board grant a Special Permit on the application of Scott Herzog for the property at 41 Beaver Dam Road (Assessor's Map 51, Block 1, Parcel 13) and find under Section 810.2 of the Scituate Zoning Bylaw that the proposed addition as shown on the plan by Ross Engineering dated February 13, 2018 creates no new nonconformities, and to the extent that it intensifies any existing nonconformities such intensification is not substantially more detrimental to the neighborhood, with existing nonconformities being lot frontage, lot width and front yard setback. Motion seconded by Ms. Trezise. All in favor, unanimous.**

**Mr. Cavanagh moved to adjourn. Motion seconded by Ms. Trezise. All in favor, unanimous.**

Meeting adjourned at 7:45pm.

Respectfully Submitted,

*Anne M. Kelly*

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